

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

MANUEL ARROYO,

Plaintiff,

v.

A. ALANIZ,

Defendants.

Case No. 1:25-cv-0087 JLT BAM (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS, DISMISSING THE
ACTION WITHOUT PREJUDICE, AND
DIRECTING THE CLERK OF COURT TO
CLOSE THIS CASE

(Doc. 5)

Manuel Arroyo asserts he suffered violations of his civil rights while in custody at Madera County Jail and seeks to hold the defendant, a correctional officer at the facility, liable for pursuant to 42 U.S.C. § 1983. (*See generally* Doc. 1.) Because Plaintiff did not pay the filing fee when he filed the complaint, the Court ordered him to either pay the fee or file an application to proceed *in forma pauperis*. (Doc. 3.) Plaintiff did not respond to the Court's order.

The magistrate judge found Plaintiff failed to obey the Court's order and failed to prosecute this case. (Doc. 5 at 2, 3.) The magistrate judge found terminating sanctions are appropriate after considering the factors identified by the Ninth Circuit in *Henderson v. Duncan*, 779 F.2d 1421, 1423 (9th Cir. 1986). (*Id.* at 2-3.) Therefore, the magistrate judge recommended the Court dismiss the action without prejudice. (*Id.* at 3.)

The Court served the Findings and Recommendations on Plaintiff and notified him that any objections were due within 14 days. (Doc. 5 at 3.) Although the Court served Plaintiff at the

1 only address on record, the U.S. Postal Service returned the document marked “Undeliverable,
2 Not in Custody” on April 3, 2025. Nevertheless, the service upon Plaintiff is deemed fully
3 effective. *See* Local Rule 182(f) (“Each ... pro se party is under a continuing duty to notify the
4 Clerk and all other parties of any change of address or telephone number... . Absent such notice,
5 service of documents at the prior address of the attorney or pro se party shall be fully effective.”)
6 Plaintiff did not file objections, and the time to so has expired.

7 According to 28 U.S.C. § 636(b)(1), this Court performed a *de novo* review of this case.
8 Having carefully reviewed the matter, the Court concludes the Findings and Recommendations
9 are supported by the record and proper analysis. Thus, the Court **ORDERS**:

- 10 1. The Findings and Recommendations issued March 24, 2025 (Doc. 5) are
11 **ADOPTED** in full.
- 12 2. This matter is **DISMISSED** without prejudice for failure to prosecute and for
13 failure to obey the Court’s order.
- 14 3. The Clerk of Court is directed to close this case.

15
16 IT IS SO ORDERED.

17 Dated: **April 29, 2025**


UNITED STATES DISTRICT JUDGE